

**REMARKS**

**I. Introduction**

Claims 13 to 32 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

**II. Response to Election/Restriction**

The Office Action withdraws from consideration new claims 18 to 32 as being directed to an invention that is independent or distinct from the invention originally claimed. Specifically, the Office Action states that "the new claims are directed to a connector for sealing a region including a sealing part with base body over which a diaphragm extends and which has an end region directed towards the connecting opening of a connector element where the diaphragm is at a distance from the base body and region [while t]he originally presented claims are directed to a connector element including a conduit." Office Action at page 2. The Office Action also states that "[s]ince applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits [and a]ccordingly, claims 18-32 are withdrawn from consideration as being directed to a non-elected invention." Office Action at page 2.

Applicant respectfully disagrees and requests that claims 18 to 32 be prosecuted in the present application. Both sets of claims, e.g., claims 13 to 17 and claims 18 to 32, are directed to "a connector element." To the extent that the Examiner maintains that the claim 18 fails to recite a "conduit", claim 18 as originally presented recites that the connector element is for connecting tubing, cannulas and catheters to a region for conveying a flowing medium. The Specification states at page 3, lines 9 to 13, that "[t]he connector ... has an opening element designed so that the sealing part does not come in contact with the area of the connector used as a conduit for conveying the medium..." Thus, the terms "conduit" and "region" in

claims 13 and 18, respectively, both refer to a means for conveying a flowing medium. Therefore, for at least this reason, Applicants respectfully maintain that claims 18 to 32 as originally presented are not directed to an invention that is independent or distinct from the invention originally claimed. However, in order to facilitate matters, Applicant has amended claims 18, 22 to 25, 28 and 30 herein without prejudice to recite "conduit" rather than "region." Accordingly, Applicants respectfully request that claims 18 to 32 be re-instated in the present application, and that claims 13 to 32 as amended be examined in the present application.

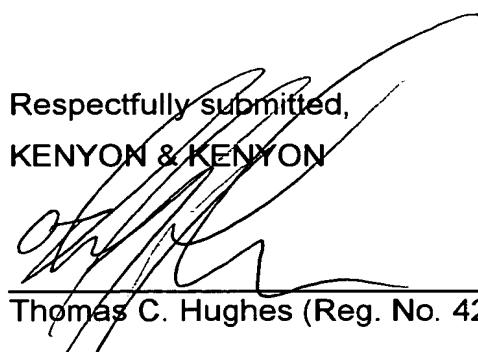
**III. Conclusion**

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,  
KENYON & KENYON

Dated: December 15, 2003

By:

  
Thomas C. Hughes (Reg. No. 42,674)

One Broadway  
New York, New York 10004  
(212) 425-7200